

# **Appendix K**

## **Land Protection Plan**

# Appendix K: Land Protection Plan: Proposed Little Darby National Wildlife Refuge

## Options for Fish and Wildlife Habitats

This Land Protection Plan presents habitat protection and restoration options available to the Service and landowners on public and private lands within the proposed Voluntary Purchase and the Farmland Preservation Areas (VPA and FPA). The map of relative protection priorities for areas within the proposed refuge is included (Figure 1).

### I. Options for Land Protection

Land protection options vary from written agreements on land management to outright purchase of the land. Land may be acquired in fee title by several methods including exchange, purchase or donation. Conservation or non-development easements, such as the purchase of development rights, can also be purchased by the Service or donated by a landowner. Each parcel of land has unique resource values and circumstances that determine the desired level of protection.

Much of the public discussion and concern over the refuge proposal has centered on the extent of full acquisition of lands (fee title). However, land purchase is only one of many options for developing a wildlife refuge. Various options for habitat protection and restoration could be used in concert with fee title acquisition to achieve refuge goals.

**Fee Simple Purchase:** The Service would focus the purchase of land from willing sellers within the proposed VPA. The land would be appraised at market value and a written offer presented to a landowner. Full rights and title to purchased property would be vested with the United States as part of the National

Wildlife Refuge System. Land acquisition funds are limited and allocated on a nationwide basis. Each Service Region must compete for appropriations from Congress under the Land and Water Conservation Fund and for Migratory Bird Conservation Fund (Duck Stamp) allotments. Annual land acquisition funding cannot be assured for each refuge requesting it.

**Conservation Easements:** Conservation easements are a popular method for land protection used by private individuals, land trusts and governments. Conservation easements involve the acquisition of specific land rights for the purpose of achieving defined habitat objectives. Easements can either prohibit or encourage certain practices. For example, wetland easements usually involve the right to drain, burn and fill a wetland. Grassland easements usually cover the right to place timing restrictions on hay mowing to benefit wildlife. Easements become part of the title to the property and are usually permanent. If a landowner sells the property, the easement continues as part of the title.

### II. Options for Habitat Restoration

**Partners for Fish and Wildlife:** This program is administered by the U.S. Department of the Interior, Fish and Wildlife Service and offers technical and financial assistance to private landowners to voluntarily restore wetlands, native grasslands and other fish and wildlife habitats. The Service, along with a wide variety of partners, provides assistance and cost-sharing to complete work

if the landowner agrees to maintain the area for a period of 20 years or more. Partners who contribute time and funds for these efforts include local conservation organizations, universities, businesses, school groups, other government agencies and private individuals.

**Wetlands Reserve Program:** The Wetland Reserve program is administered by the U.S. Department of Agriculture, Natural Resources Conservation Service. The program focuses on providing financial incentives to landowners in exchange for wetland restoration or enhancements. Three options are available: permanent easements, 30-year easements, and restoration cost-share agreements for a minimum 10-year duration. The landowner retains title to the land and may lease it for hunting and fishing. Additional activities, such as haying, grazing or timber cutting may be permitted if the uses are fully consistent with protection and enhancement of the wetland.

**Technical Assistance:** Several programs exist for people who want to improve wildlife habitat on their land. Financial assistance for habitat improvements is often available on a cost-sharing basis.

**Wildlife Habitat Incentives Program:** Participants work with the Natural Resource Conservation Service to prepare a wildlife habitat development plan in consultation with the local conservation district. The plan describes the landowner's goals for habitat improvement and sets a schedule for implementation. Cost-share agreements under this program generally last from 5 to 10 years.

**Cooperative Agreements:** The U.S. Fish and Wildlife Service can offer free technical assistance to neighboring property owners through a cooperative agreement. The Service can agree to develop wildlife or land

management plans, or do wildlife surveys on private lands and provide detailed information to the landowners. These cooperative agreements are formal, written documents, and usually place no legally binding restrictions on the land. No money is involved and either party may cancel the agreement with adequate notice to the other party. A cooperative agreement would not affect the tax status of the land.

**Private Conservation Efforts:** In recent years, conservation organizations have been effective in promoting fish and wildlife habitat improvement on private lands. Collectively, these local, regional or national organizations are a great source of financial and technical assistance for the private landowner who wishes to improve lands for wildlife. Some of the more popular organizations include The Nature Conservancy, The Conservation Fund, Fish and Wildlife Foundation, Izaak Walton League, Audubon Society, Trust for Public Lands, Ducks Unlimited, and Pheasants Forever.

In addition, local hunting, fishing, and conservation organizations often are willing to assist private landowners with wildlife habitat improvement projects. Many of these organizations have substantial financial and technical resources and are often a dedicated source of energy for wildlife habitat improvement on both private and public lands.

### **III. Recommended Land Protection Levels**

The draft Environmental Assessment recommends Alternative 2 which includes an 22,783 acre VPA and a surrounding FPA of 26,419 acres. The goal for the VPA would be to gradually acquire fee title to the lands over the course of 20 - 30 years. Any fee purchases would be from willing sellers only.

Ownership of full land rights will be necessary to eventually restore the natural grasslands, wetlands, and riparian habitat. However, if a landowner is not interested in a fee title sale, the Service would consider other options such as conservation easements or assistance with private conservation measures if these were of interest to the landowner. Conservation easements will be focused in the FPA. This focus will not preclude the implementation of programs by other state, federal, and local governments.

#### IV. Land Protection Priorities:

The priorities for expenditures of funds are shown in Table 1. The priority areas were designated by creating a buffer polygon .25 miles out from side of each stream in the project area. These areas are the highest priority to preserve and improve the water quality and the associated natural resources within the Little Darby Creek system. Within the VPA, Area A, the .25 mile buffer on each side of Little Darby Creek and its tributaries, is the first priority. Within the FPA, Area C is the first priority. The priority focus for the FPA would be the areas within the .25 mile buffer along Little Darby Creek and its tributaries. The objective of the Service's focus in the FPA would be to retain existing land uses and encourage conservation practices within the drainage area through the acquisition of easements and development of conservation plans. The latter may be in cooperation with SWCDs and NRCS. Also, the Service would seek to engage landowners in private conservation measures through existing programs and technical assistance.

In reality, since any acquisition is on a willing seller basis, priorities for acquisition are largely determined by where the willing seller is located. If willing sellers were found both

in a Priority Area A and in a Priority Area B, all else equal, the seller in Area A would receive first consideration. However, if the only willing seller were in Area B, then that seller would receive first consideration.

Table 1: acreage by priority area

Portion of the Proposal	Acres
Priority A (1 <sup>st</sup> priority)	15,353
Priority B (2 <sup>nd</sup> priority)	7,430
Priority C (3 <sup>rd</sup> priority)	14,476
Priority D (4 <sup>th</sup> priority)	11,943
Total	49,202

Eventual funding for the project would likely be allocated partially to the VPA and partially to the FPA. That is, acquisition of easements in the FPA will occur at the same time acquisition is occurring in VPA Areas A and B.

## Land Protection Priorities, Proposed Little Darby National Wildlife Refuge

